

REMARKS

Claims 1-15 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the corresponding claims 1-3 of U.S. Patent No. 6,044,272. (The Office Action lists Patent No. "6,044,572", but Applicants believe this was a typographical error.) Applicants are filing a Terminal Disclaimer herewith. Therefore, Applicants respectfully request that this rejection be withdrawn.

Claims 1 and 3-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wallstedt et al. (U.S. Patent No. 5,722,073) in view of Haartsen (U.S. Patent No. 5,778,075). Applicants respectfully traverse.

Wallstedt et al. discloses a method and system for measuring signal level in a telecommunications system having a mobile assisted hand-off. The method and system use the MAHO feature to perform signal level measurements, at a mobile station, on channels other than handoff measurement channels on which signal level is measured for MAHO purposes. See Abstract. A mobile switching center requests the target base stations to measure signal strength on a radio channel in the timeslot used by the mobile for the established connection. The mobile switching center also informs the target base station on the digital color code used by the mobile station. Col. 6, ll. 29-34. The target base station also informs the mobile switching center on the result of the checking of the appearance of the digital verification color code, i.e., whether the digital verification color code appeared in the burst in the timeslot of the radio channel. Col. 6, ll. 43-48.

Haartsen discloses a mobile assisted handover of an encrypted traffic connection between linked base stations of a private radio communications network. The mobile terminal detects a signal quality of a received beacon transmission from a private base station of the private radio communications network while an encrypted traffic connection is underway with another base station of the private radio communications network. Abstract. At different occasions, the mobile terminal can scan different frequencies for beacons. Because the private radio base stations are roughly synchronized, the decoding of a beacon burst can be performed by the mobile terminal as long as no collisions occur between beacons. From decoding the beacon, the base

color code (BCC) of the base station can be derived by the mobile terminal. Col. 4, ll. 7-14.

The claims as amended overcome the rejections. Claim 1 as amended recites "tuning and synchronizing said mobile station to each of said candidate channels listed in said second measurement order", which includes "reading and decoding an identification code for each of said candidate channels, wherein said identification code comprises a digital voice color code word in each of said candidate channels". Claim 8 as amended recites "means for synchronizing to said candidate channels" and "means for reading said identification data on said candidate channels" where "said identification data comprises a digital voice color code word in each of said candidate channels, said data processing device and said memory device located on said mobile station". Claim 12 as amended recites "means for reading said identification data on said candidate channels, wherein said identification data comprises a digital voice color code word in each of said candidate channels".

While Haarsten and Wallstedt et al. may disclose color codes, neither reference, alone or in combination, discloses or suggests the claimed use of the color codes of the candidate channels. For example, Haartsen discloses the mobile terminal deriving the base color code of the base station and Wallstedt et al. discloses the digital color code of the mobile station. For at least this reason, Applicants respectfully request that the rejection be withdrawn.

Claims 2 and 8-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wallstedt et al. in view of Haartsen and further in view of Ishi (U.S. Patent No. 5,867,786). Applicants respectfully traverse.

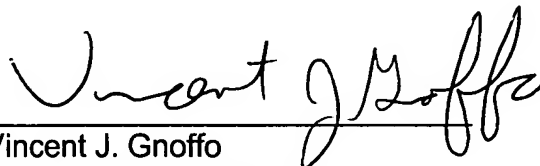
Ishi discloses a system for monitoring carriers of peripheral zones in a mobile telecommunication system. When monitoring the carriers transmitted from the base stations in the peripheral zones, the mobile units deem transmission carriers to be true carriers received from peripheral zones and monitor the same when the received field strengths of the transmission carriers are at least a certain level and there is significant data transmitted by the transmission carriers. Abstract. When a color code stored in a mobile unit and the color code in the control channel transmitted by the transmission

carrier match, the transmission carrier is deemed to be a true carrier received from a peripheral zone and is monitored.

Neither Haartsen, Wallstedt et al. nor Ishi, alone or in combination, disclose or suggest the claimed use of the color codes of the candidate channels. For at least this reason, Applicants respectfully request that the rejection be withdrawn.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is invited to contact the undersigned attorney at (312) 321-4224 if there are any outstanding issues that could be resolved through a telephone conference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent J. Gnoffo", written over a horizontal line.

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